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FARAD CONTINUATION SHEET

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 5834 OF 2005
IN
CRIMINAL APPEAL NO. 811 OF 2005.**

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Mr.A.H. Solkar for the applicant.

Mrs.Poornima H. Kantharia, A.P.P., for the
respondent-State

**CORAM: S.S. PARKAR &
ANOOP V. MOHTA, JJ.**

DATED: 23RD SEPTEMBER, 2005.

P.C.:

. Heard.

2. In paragraph 30 of the judgment, the Trial Court has held that the identification of the applicant by the prosecution witness is doubtful. The only role attributed to this applicant is that the applicant had entered the Office of the deceased and made enquiry about Venus Enterprises and thereafter, he went out and the other accused i.e. accused Nos.1, 5 and 6 entered the said Office and assaulted the deceased and the witness PW1. The assault is

not attributed to this applicant. On similar ground, the accused No.5 was granted bail by this Court on 26th August, 2005. Merely because another case is registered against this applicant in the year 2001 for offence under Section 307 cannot be the ground to reject this application for bail.

3. In the result, this application is allowed and the applicant is directed to be released on bail in the sum of Rs.20,000/- with one or two sureties to make up the amount.

[S.S. PARKAR, J.]

[ANOO P V. MOHTA, J.]